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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,437	10/18/2000	Michel K. Susai	1763.0110000	3741

26111 7590 01/12/2004

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

PHAN, TAM T

ART UNIT	PAPER NUMBER
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2144

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DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/690,437

Applicant(s)

SUSAI ET AL.

Examiner

Tam (Jenny) Phan

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3 6) ☐ Other:

DETAILED ACTION

Priority

1. No priority claims have been made.
2. The effective filing date for the subject matter defined in the pending claims in this application is 10/18/2000.

Information Disclosure Statement

3. An initialed and dated copy of Applicant's IDS form 1449, Paper Nos. 2 and 3, is attached to the instant Office action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Susai et al. (U.S. Patent Number 6,411,986), hereinafter referred to as Susai.
6. Regarding claim 1, Susai disclosed an apparatus comprising means for opening a connection between a first client and an interface unit (Figure 5, column 2 lines 55-63, column 4 lines 19-25; means for opening a connection between said interface unit and a server if no free connection is open between said interface unit and said server (Figure 5, column 2 lines 55-63, column 4 lines 30-38, column 16 lines 6-8); means for allowing said first client to access information on said server via said connection (Figure 5, column 4 lines 36-42, column 6 lines 2-

5, column 16 lines 9-10); means for opening a connection between a second and said interface unit (Figures 5 & 8, column 6 lines 13-15, column 9 lines 66-67); and means for allowing said second client to access information on said server via said connection by determining as soon as said first client is finished with said connection without waiting for said first client to initiate said first client is finished with said connection (Figure 5, column 6 lines 19-26, column 10 lines 19-24, lines 43-45, column 16 lines 18-23).

7. Regarding claim 2, Susai disclosed an apparatus further comprising means for delinking said connection between said first and second clients and said interface while keeping open said connection between said interface unit and said server (Figure 3, column 2 lines 55-63, column 4 lines 42-49).

8. Regarding claim 3, Susai disclosed an apparatus wherein determining when said first client is finished with said connection is comprised of means for utilizing a content length parameter to determine whether all of said information has been sent to said first client (Figures 6A & 9, column 8 lines 1-4, lines 35-48).

9. Regarding claim 4, Susai disclosed an apparatus wherein determining when said first client is finished with said connection is comprised of means for utilizing two or more chunk-size fields to determine whether all of said information has been sent to said first client (Figures 6A & 9, column 5 lines 6-20, column 6 lines 44-52).

10. Regarding claims 5-8, the method corresponds directly to the apparatus of claims 1-4, thus these claims are rejected using the same rationale.

11. Since all the limitations of the claimed invention were disclosed by Susai, claims 1-8 are rejected.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Brendel et al. (U.S. Patent Number 5,774,660) disclosed a multi-node server transmits world-wide-web pages to network-based browser clients. A load balancer receives all requests from clients because they use a virtual address for the entire site. The load balancer makes a connection with the client and waits for the URL from the client. The URL specifies the requested resource. The load balancer waits to perform load balancing until after the location of the requested resource is known. The connection and URL request are passed from the load balancer to a second node having the requested resource.

b. Smith (U.S. Patent Number 5,835,724) disclosed a system for communicating information using the Internet, a client establishes a first connection with a session server using the Internet to initiate a communications session. The session server receives information from a data source in response to the first connection, generates session data using the received information, and conveys the session data to the client. The session server maintains the session data after termination of the first connection to convey the session data to the client in response to the client establishing a second connection with the session server during the communications session.

c. Sung et al. (U.S. Patent Number 6,226,684) disclosed a method of establishing a communication link between a client and a first server of a plurality of servers. The client is assigned to the first server of the plurality of servers in response to a transmission received, from the client, at a first router of a plurality of routers. Information is then transmitted to a second router of the plurality of routers. This information indicates the assignment of the client to the first server of the plurality of servers.

Refer to the enclosed PTO-892 for complete listing of pertinent prior arts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (703) 305-4665. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (703) 305-9705. The fax phone numbers for the

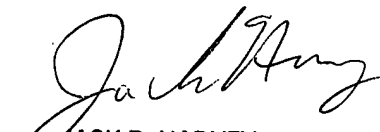
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organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jack Harvey
SPE
Art Unit 2142
703-305-9705

tp
January 5, 2004


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER